

From: Brent Maier/R9/USEPA/US
To: Andrew Steckel/R9/USEPA/US@EPA,
Cc: Bill Keener/R9/USEPA/US@EPA, Christine Vineyard/R9/USEPA/US@EPA, David Yogi/R9/USEPA/US@EPA, Doug McDaniel/R9/USEPA/US@EPA, Kelly Zito/R9/USEPA/US@EPA, Lisa Hanf/R9/USEPA/US@EPA, Matthew Lakin/R9/USEPA/US@EPA, Meredith Kurpius/R9/USEPA/US@EPA, Michaela Flagg/R9/USEPA/US@EPA, Niloufar Glosson/R9/USEPA/US@EPA
Date: 12/13/2012 09:26 AM
Subject: Re: Rep. Lois Capps Office - Contacted Regarding Nipomo Dunes ORV Issue

Andy -

Thanks for your message. I have a meeting/call at 9:30am that should last about 30 minutes and will then give you a call and perhaps both of us can be on a call back to Greg Haas. Thanks.

Brent Maier
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-----Andrew Steckel/R9/USEPA/US wrote: -----

To: Brent Maier/R9/USEPA/US@EPA
From: Andrew Steckel/R9/USEPA/US
Date: 12/13/2012 09:21AM
Cc: Bill Keener/R9/USEPA/US@EPA, David Yogi/R9/USEPA/US@EPA, Doug McDaniel/R9/USEPA/US@EPA, Kelly Zito/R9/USEPA/US@EPA, Lisa Hanf/R9/USEPA/US@EPA, Niloufar Glosson/R9/USEPA/US@EPA, Christine Vineyard/R9/USEPA/US@EPA, MichaelA Flagg/R9/USEPA/US@EPA, Meredith Kurpius/R9/USEPA/US@EPA, Matthew Lakin/R9/USEPA/US@EPA
Subject: Re: Rep. Lois Capps Office - Contacted Regarding Nipomo Dunes ORV Issue

Christine, Michael, Meredith and I have some familiarity with the issues. I'm happy to talk with you or sit in on a call. Michael and Meredith know the technical details regarding their studies more if Greg wants to get into that.

Andy Steckel
(415) 947-4115

Brent Maier---12/13/2012 09:04:18 AM---Niloufar - I received a voicemail from Greg Haas in Rep. Lois Capps' office regarding some issues i

From: Brent Maier/R9/USEPA/US
To: Niloufar Glosson/R9/USEPA/US@EPA,
Cc: Doug McDaniel/R9/USEPA/US@EPA, Lisa Hanf/R9/USEPA/US@EPA, Andrew Steckel/R9/USEPA/US@EPA, Bill Keener/R9/USEPA/US@EPA, Kelly Zito/R9/USEPA/US@EPA, David Yogi/R9/USEPA/US@EPA
Date: 12/13/2012 09:04 AM
Subject: Rep. Lois Capps Office - Contacted Regarding Nipomo Dunes ORV Issue

Niloufar -

I received a voicemail from Greg Haas in Rep. Lois Capps' office regarding some issues involving Nipomo Dunes and ORV use and air quality impacts. Do you know who in our

Air Division might be working on or have knowledge of this issue and whether our office has had any involvement with the local Air District on this issue. I wanted to check in with our Air Division before giving Greg Haas a call back. I have included below a couple of articles on this issue I found using "Google". I am working flexiplace today and can be reached at 707.863.9987.

Brent

Nipomo Dunes ORV Issue:

<http://www.santamariasun.com/news/9079/political-dustup-over-the-oceano-dunes-continues/>

Political dustup over the Oceano Dunes continues

BY Matt Fountain - December 6th, 2012, in the Santa Maria Sun - Volume 13, Issue 39

As some locals foretold when a controversial air quality rule passed for the Oceano Dunes in late 2011, a chainsaw could now cut the tension between the local air pollution control district and state parks.

The disagreement mostly revolves around Rule 1001. Implemented by the San Luis Obispo County Air Pollution Control District Board, the rule includes penalties for the California Department of Parks and Recreation if it doesn't work with the district to reduce airborne dust in and around the dunes.

The rule hasn't fostered participation from state parks, but it has attracted some significant opposition, including a recent legal challenge by the state attorney general.

Now the air district is turning to the governor and his head of the natural resources division for help.

In two 2010 studies, the district found that airborne particulate matter—fine particles of dust that, when inhaled, can cause serious health problems—was a serious problem in the Nipomo Mesa, which neighbors the Oceano Dunes Vehicular Recreational Area. The study found the off-road vehicles break up the harder crust at the surface of the dunes and kick up the softer, finer sand below, which in turn is picked up by the wind and carried to the Mesa.

Those studies have attracted their share of critics, who question the district's methodology before it attributed poor air quality to recreational vehicle use.

The district board adopted Rule 1001 on Sept. 28, 2011. The board directed staffers to move forward with finalizing rules that would mandate that State Parks draft and enact a comprehensive particulate matter reduction plan, which would be subject to district sign-off. The rule also includes the possibility of fining state parks up to \$1,000 for every

day particulate matter readings exceed the state standard for particulate emissions. The board gave a rough timeline of 3 1/2 years.

Following the rule's passage, in January 2012, off-road advocacy group Friends of the Oceano Dunes, Inc., filed a lawsuit against the district, challenging the particulate matter study. Shortly after that, off-road vehicle advocate Kevin Rice filed another suit claiming the district's executive director violated the Brown Act. A San Luis Obispo Superior Court judge combined the two suits.

Things sat idle for a time; district officials worked slowly with state parks staff on a joint particulate matter reduction plan.

But on Oct. 11, the California Attorney General's Office filed a brief supporting the Friends of the Dunes lawsuit, arguing that the air district's study never explained how vehicles contribute to excess dust readings, and refuted the idea of a dune "crust." The office also argued the district has no jurisdiction over the state park.

In a November letter to the air district, State Parks Director Janelle Beland said the department has no intention of filing its own suit and planned to continue cooperating with the district.

Nonetheless, the air district board voted on Nov. 14 to send a letter to the department's off-road vehicle division chief Phil Jenkins telling him the agencies' joint efforts aren't working and need to change.

Air district executive director Larry Allen argued before the board that state parks staffers are insisting on their own air monitoring program that, in district staff's opinion, appears to be an effort to "cloud" the two district studies' findings.

"We have put in an incredible amount of staff time and resources with State Parks and tried to do it in a way that would meet our needs and their needs and we have been hamstrung every step of the way," Allen later told the Sun. "We're a public health agency and we want to see them succeed but we're running into very serious road blocks that require a lot of discussion to resolve."

On Nov. 15, State Parks Deputy Communications Director Roy Stearns shot back with a statement about the district's approach.

"We were quite concerned at the tone of the [air district] meeting held yesterday, particularly as State Parks has met all deadlines mandated in APCD Rule 1001," Stearns wrote. "Our goal is [to collect] the most accurate information possible on the shifting sand."

If there's one glimmer of hope for better relations between the two agencies, it's that the district is now dealing with a new state Parks and Recreation director, following the departure of Ruth Coleman, a former economist and lobbyist who resigned amid allegations that the department sat on nearly \$54 million in surplus funds as some 70

state parks faced closure due to budget cuts.

Coleman was replaced just this month by retired U.S. Marine Corps. Maj. Gen. Anthony Jackson.

SLO air board members to ask governor for help with Dunes dust

By Bob Cuddy – bcuddy@thetribunenews.com - Published: November 14, 2012

Fed up with what they consider foot-dragging from State Parks over efforts to lessen pollution from the **Oceano** Dunes, the San Luis Obispo County air board on Wednesday agreed to go over the heads of bureaucrats they have been dealing with and instead ask the governor and higher authorities for help.

The county air board will let the new State Parks director, retired Marine Corps Maj. Gen. Anthony Jackson – appointed this week by Gov. Jerry Brown – know about his department's intransigence, the board said, and will also alert Brown's Resources Secretary John Laird.

The California State Parks Department has taken a "a scofflaw attitude" toward the county and residents of the Nipomo Mesa who suffer health problems from dunes particulates, said San Luis Obispo Mayor Jan Marx, who also is a member of the Air Pollution Control District board of directors.

For more than a year, the county and the state have ostensibly been working together to find a way to reduce levels of particulates that blow off the **Oceano** Dunes State Vehicular Recreation Area and up to the mesa.

But in a strongly worded, detailed, four-page letter last month, APCD director Larry Allen said the state's supposed cooperation is a sham.

After a year of trying to negotiate, he decried an "an utter lack of commitment," and elaborated on that Wednesday.

Merely trying to get through a conference call with State Parks representatives is grueling, Allen said. He said there is "contention over technical issues that just drive you crazy. We'll spend an hour on page 12."

Nobody from State Parks was present, which some board members found telling, given that they knew Allen's critical letter would be discussed.

There was a letter from Janelle Beland, acting director of the state Department of Parks and Recreation, saying her department "is working cooperatively with the district."

Allen found some support from board members.

"State Parks isn't really interested in mitigating the problem," said Air Pollution Control District board member and county Supervisor Jim Patterson. "They have not kept their side of the bargain,"

County Supervisor and APCD board member Adam Hill noted that State Parks has long questioned the county's scientific basis for particulate studies. "They've denied the science from the beginning, the way the fossil fuel industry has denied climate change," Hill said. Beland's letter reiterated that stance.

Hill added that the board tries to balance recreation on the dunes, especially off-roading, with the health of its residents. But when it comes to choosing one over the other, he said, "protecting the health of our citizens" is paramount.

Lurking behind the discussion of controlling particulates on the dunes is money. The park is a multimillion dollar cash cow for the state, as well as local governments and businesses. Some who oppose particulate studies fear that they might lead to a full or partial closure of off-road activity, shutting that money spigot.

Read more here:

<http://www.sanluisobispo.com/2012/11/14/2296166/oceano-dunes-air-pollution-board.html#storylink=cpy>

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